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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/000,037

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Pierre-Andre Farine

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04/06/2005

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EXAMINER

KUMAR, PANKAJ

ART UNIT

PAPER NUMBER

2631

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/000,037

Applicant(s) 

FARINE ET AL.

Examiner

Pankaj Kumar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 2-6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/4/2001.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Specification*

1. The abstract of the disclosure is objected to because it has the word “means” and “said”. Such legal terminology should not be in the abstract. The abstract is also objected to since it should not have the title.
2. Correction is required. See MPEP § 608.01(b).

### *Claim Objections*

3. Claims 1-6 are objected to because of the following informalities:
4. Claims 1 and its dependent claims are objected to since claim 1 has the word “it” in line 5 and it is not clear what it is referring to. It appears that “it” is referring to the microprocessor and thus “it” should probably be replaced by ‘the microprocessor’.
5. Claim 1 and its dependent claims are also objected to since claim 1 recites “the channel with the highest priority among the operating channel” and it should probably be ‘the channel with the highest priority among the operating channels’ (emphasis added).
6. Claims 2 and its dependent claims are objected to since claim 2 has the word “its” in line 12 and it is not clear what it is referring to. It appears that “its” is referring to the correlation channel and thus “its” should probably be replaced with ‘the correlation channel’s’.
7. Claim 4 is objected to since it says “for example” and it is not use such language.
8. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dent USPN 6,535,752 in view of Agee USPN 6,621,851. Here is how the references teach the claim:

11. As per claim 1: A radiofrequency signal (Dent col. 2 line 51) receiver (Dent col. 4 line 11) including means for receiving (Dent fig. 1: 16) and shaping (Dent fig. 1, 2: filters) said radiofrequency signals into intermediate signals (Dent fig. 2: conventional receiver circuits having multiple stages including intermediate stage), a correlation stage (Dent fig. 3: 62; col. 7 line 51) which includes several correlation channels (Dent col. 7 lines 47-56: correlating at one channel and then progressing to correlate the next channel) for receiving the intermediate signals (Dent fig. 3: 62; col. 7 lines 47-56: receiver correlates intermediate signal in 62 as the signal has not yet been decoded in 66), microprocessor means (Dent fig. 1: 24; fig. 2: 42) connected to said correlation stage (Dent fig. 3 is for both figs. 1 and 2; col. 7 lines 48-49: step 62 occurs at 16; fig. 1: 24 is connected to 16) for the transfer of control and/or data signals (Dent fig. 1, 2: signals passed from reception i.e. 16 in fig. 1 to processor i.e. 24 in fig. 1), wherein it includes channel selection (Dent col. 7 lines 45-55, 63-65) means connected to all the channels of the correlation stage (Dent col. 7 lines 45-55 correlate selected channel and then chooses other channels for correlation and thus correlation is connected to all of the channels) and to the microprocessor means (Dent fig. 3 is for both figs. 1 and 2; col. 7 lines 48-49: step 62 occurs at 16; fig. 1: 24 is

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connected to 16; fig. 1: 24; fig. 2: 42), said selection means allowing the channel with the highest priority among the operating channel (Dent col. 7 line 47: "selects the first channel from the prioritized channel list") or channels which have each transmitted an interruption signal for a data transfer from the selected channel to the microprocessor means (Dent meets the limitation of the statement before the "or"), to be placed first in a virtual channel (not in Dent but would be obvious as explained below), in accordance with a defined order of priority for all the channels (Dent col. 7 line 47: "selects the first channel from the prioritized channel list").

12. Dent does not teach virtual channel. Agee teaches virtual channel in fig. 91 with priority message on the tone for the link control channel and data without priority on a different channel as they are not on the link control channel. Thus, it would have been obvious, to one of ordinary skill in the art, at time the invention was made, to arrive at the virtual channel as recited by the instant claims, because the combined teaching of Dent with Agee suggest virtual channel as recited by the instant claims. Furthermore, one of ordinary skill in the art, would have been motivated to combine the teachings of Dent with Agee because Dent suggests selecting based on channel priority (such as Dent col. 7 line 47: "selects the first channel from the prioritized channel list") (something broad) in general and Agee suggests the beneficial use of having the highest priority be on a separate channel so that it can be processed faster in the analogous art of channel priority.

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*Allowable Subject Matter*

13. Claims 2-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and also rewritten to overcome the objections cited above.

*Conclusion*

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pankaj Kumar whose telephone number is (571) 272-3011. The examiner can normally be reached on Mon, Tues, Thurs and Fri after 8AM to after 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad H. Ghayour can be reached on (571) 272-3021. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Pankaj Kumar  
Patent Examiner  
Art Unit 2631

PK